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OFFICE OF PETITIONS

In re Patent No. 5,853,622
Issued: 12/29/1998
Application No. 08/704,467
Filed: 08/28/1996
Attorney Docket No. P41-90273

DECISION ON PETITION

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.182 TO CANCEL THE CLAIMS OF PRIORITY" filed January 14, 2010.

The petition is **DISMISSED**.

The filing of a petition is inappropriate to delete a benefit claim. In this regard, the deletion of benefit claims would be by reissue. However, patentee is reminded that the patent term cannot be shortened by deleting the benefit claims via the reissue process. Moreover, a request for Certificate of Correction is inappropriate because it would require examination again to determine if there is any intervening art. Therefore, it would not fall within the preview of 35 U.S.C. 255. Accordingly, the petition under 37 CFR 1.182 is dismissed.

The \$400.00 petition fee is acknowledged. The \$130.00 fee submitted with the petition is unnecessary and will be refunded in due course.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211.

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